

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated April 14, 2008 and, thus, the application is in condition for allowance.

By this reply, no claims are amended. Claims 1 – 23 remain pending. Of these, claims 1, 10, and 19 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1, 2, and 10-12 were rejected under 35 U.S.C. 102(c) as being anticipated by Oommen et al. published application (US PG pub. No. 2003/0203484). It is asserted the Oommen discloses substantially the same invention as in the pending claims. Applicant respectfully traverses.

Specifically, it is asserted that Oommen discloses a method comprising: receiving one of a Short Message Service, Enhanced Message Service, Multimedia message Service, and SyncML message; extracting a device identifier from the message; and applying the device identifier to determine a device status. However, claim 1 includes, among other things, that the device status includes location information. Location information is described throughout the specification, including paragraph 31, and may be useful when delivering services to the device. Oommen does not disclose nor appreciate determining a device's location information and thus does not teach or fairly suggest all of the elements of amended claim 1. Therefore, Oommen cannot anticipate claim 1.

Regarding claim 2, it is asserted that Oommen discloses the method of claim 1, further comprising: extracting an International Mobile Equipment Identity from the message. Applicant respectfully traverses. As stated above, Oommen does not disclose

device status including location information. As claim 2 is dependent upon claim 1, this element is present in claim 2. Because the element is not present in the Oommen reference, the Oommen reference does not disclose each element of claim 2 and thus does not anticipate it.

Regarding claim 10, it is asserted that Oommen discloses a network element comprising: logic to cause the processing of at least one of a Short Message Service, Enhanced Message Service, Multimedia Message Service, and SyncML message to extract a device identifier from the message, and to apply the device identifier to determine a device status; and at least one processor to execute at least some of the logic. Claim 10 includes, among other things, that the device identifier is applied to determine a device status including location information. As stated above, location information is disclosed throughout the specification and is useful in delivering services. Because the element is not present in the Oommen reference, the Oommen reference does not anticipate the claim under 35 U.S.C. 102 (e).

Regarding claims 11 and 12, it is asserted that Oommen anticipates these claims. Claims 11 and 12 are dependent upon claim 10. Thus, each of these claims necessarily contains all of the elements of claim 10. Claim 10 specifies that the device status includes location information. The Oommen reference does not disclose location information as part of the device status. Because this element is not present, and thus all elements are not present, claims 11 and 12 are not anticipated.

Claims 19-23 were rejected as being obvious under 35 U.S.C. 103(a) and unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) in view of Oommen. It is

asserted that the combination of these two references renders the present claims as obvious. Applicant respectfully traverses.

Regarding claim 19, it is asserted that Chen discloses a communication arrangement comprising a Short Message Service Center (SMS-SC); a permissions facility; and a network element configured to receive a Short Message Service message via the SMS-SC, apply the device identifier to locate device status information, and interact with the permissions facility to determine permissions to apply to service requests originating from the device. It is further asserted that Oommen teaches ascertaining a device identifier. However, neither reference discloses device status including location information. Additionally, there is no motivation to combine references to illuminate this element. Therefore, not all elements are present in the combined teachings and claim 19 is not obvious with respect to these references.

Regarding claims 20-23, it is asserted that Chen in view of Oommen renders the claims obvious. However, as discussed above, neither reference discloses device status including location information. Because claims 20-23 are dependent upon claim 19, this element is necessarily present in each of the claims. Because neither reference discloses this element, and there is no motivation to combine an additional reference with these references, claims 20-23 are not obvious.

Claims 3, 4, 7-9, 13, and 16-18 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Oommen in view of Chen. It is asserted that the combination of these two references renders the present claims as obvious. Applicant respectfully traverses.

Regarding claims 3, 4, and 7-9, neither reference discloses a device status including location information. Because each of these claims is dependent upon claim 1,

this element is necessarily present in each of the claims. Because neither reference discloses this element, and there is no motivation to combine an additional reference, claims 3, 4, and 7-9 are not obvious in light of the Chen and Oommen references.

Regarding claims 13 and 16-18, the Chen and Oommen references do not disclose or fairly suggest the present invention as recited in the pending claims. Each of these claims is a dependent claim, dependent upon claim 10. Claim 10 claims a device status including location information. This element is not present in either of the Chen or Oommen reference. Therefore, claims 13 and 16-18 are not obvious in light of these references.

Claims 5, 6, 14, and 15 were each rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Corrigan et al. (US PG Pub. No. 2002/0187775). It is asserted that the combination of these two references renders the present claims as obvious. Applicant respectfully traverses.

Claims 5 and 6 are each dependent claims, dependent upon claim 1. Claim 1 specifies that a device status includes location information and thus this element is present in both claims 5 and 6. Additionally, Oommen does not teach the inclusion of location information. While Corrigan does mention location information, it is not done so only in connection with the applicant's claimed forms of messaging. Furthermore, there is no teaching or motivation to combine location information with these messaging forms. Thus, claims 5 and 6 are not obvious in light of the Oommen and Corrigan references.

Claims 14 and 15 are each dependent claims, dependent upon claim 10. Claim 10 specifies that a device status includes location information and thus this element is

present in both claims 14 and 15. The Oommen reference does not teach this inclusion of location information. While Corrigan mentions location information, it does not do so with respect to the applicant's claimed message forms. Neither the references nor knowledge in the art provide a motivation to combine the location information with the messaging forms. Therefore, claims 14 and 15 are not obvious in light of the references.

A TWO (2) month extension of time is hereby requested to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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